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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,337	08/03/2001	John Blair	KM2158.001CP1	8212

20995 7590 10/29/2010  
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EXAMINER
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WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3685

NOTIFICATION DATE	DELIVERY MODE
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10/29/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/922,337	<b>Applicant(s)</b> BLAIR ET AL.	
	<b>Examiner</b> JOHN M. WINTER	<b>Art Unit</b> 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10,11,36,41,42,44,45,48,49,56,57 and 60-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10,11,36,41,42,44,45,48,49,56,57 and 60-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/27/2010</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. The Applicants amendment filed on April 1, 2010 is hereby acknowledged, Claims 10, 11, 36, 41, 42, 44, 45, 48, 49, 56, 57 and 60-68 remain pending.

### ***Response to Arguments***

Applicant's arguments with respect to the pending claim have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10, 11, 36, 41, 42, 44, 45, 48, 49, 56, 57 and 60-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole, Jr. et al. (US Patent 6,279,112) in view of Wiser et al. (US Patent 6,385,596) and further in view of Beattie et al (US Patent 5,659,742).
3. As per claims 10, 36, 56 and 63

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O'Toole, Jr. et al. ('112) discloses computer-implemented method for transmitting content data over a network of devices, the method configured for execution by at least one computing device, the method comprising:

receiving content data objects from a plurality of publishers; (Column 5, lines 23-45)

storing the received content data objects in a computer readable storage device;

receiving from a client device data representing a selection of two or more of the content data objects; (Figure 4A,4B).

receiving from the client device data representing payment terms and conditions for transmission of the selected content data objects;(Column 7, lines 63- column 8, line 21)

O'Toole, Jr. et al. ('112) does not explicitly disclose initiating transfer of respective portions of a payment from a payment account associated with the client device to respective publishers of the selected content data objects; Wiser et al. ('596), discloses initiating transfer of respective portions of a payment from a payment account associated with the client device to respective publishers of the selected content data objects; (Column 17 line 55 –column 18 line 22); it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the O'Toole, Jr. et al. with Wiser et al. ('596) method in order to allow the merchant to offload the cost of processing billing transactions.

O'Toole, Jr. et al. ('112) does not explicitly disclose aggregating at least some of the transformed content data objects. Beattie et al ('742), discloses aggregating at least some of the transformed content data objects (Column 31, line 26-41; column 32, lines 22-37).

It would have been obvious to a person of ordinary skill in the art at the time of the

invention to combine the O'Toole, Jr. et al. in view of Wiser et al. ('596) with Beattie et al ('742) method in order to allow storage of media in a standardized format.

O'Toole, Jr. et al. ('112) does not explicitly disclose transforming, by a computing device, the one or more of the selected content data objects from respective native formats as provided by the respective publishers to a device specific format associated with a type of client device; Wiser et al. ('596)discloses transforming, by a computing device, the one or more of the selected content data objects from respective native formats as provided by the respective publishers to a device specific format associated with a type of client device; (Column 8, lines 43-56; column 19, lines 15-43 and 50-60 [Examiner notes the content is "transformed" to a machine specific format via encryption])It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the O'Toole, Jr. et al. (US Patent 6,279,112) in view of Beattie et al (US Patent 5,659,742) with Wiser et al. ('596) method in order to allow storage of media in a standardized format.

4. As per claims 41, 47 and 59,

O'Toole, Jr. et al. ('112) discloses the method of claim 10

O'Toole, Jr. et al. ('112) does not explicitly disclose transforming one or more of the selected content data objects from respective native formats to the requested format according to a type of client device accessing the content data objects that were selected. Wiser et al. ('596) discloses transforming one or more of the selected content data objects from respective native formats to the requested format according to a type of client

device accessing the content data objects that were selected; (Column 8, lines 43-56; column 19, lines 15-43 and 50-60 [Examiner notes the content is “transformed” to a machine specific format via encryption]). Neither O'Toole, Jr. et al. nor Wiser et al. teach explicitly disclose aggregating at least some of the transformed content data objects. Beattie et al ('742), discloses aggregating at least some of the transformed content data objects (Column 31, line 26-41; column 32, lines 22-37). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the O'Toole, Jr. et al. (US Patent 6,279,112) in view of Beattie et al (US Patent 5,659,742) with Wiser et al. ('596) method in order to allow storage of media in a standardized format.

5. As per claims 11, 42, 48, 57, 60,62 and 64-65, O'Toole, Jr. et al. ('112) discloses the method of claim 10 O'Toole, Jr. et al. ('112) does not explicitly disclose wherein the step of causing said initiating transfer includes determining the portion of the payment due to the respective publisher depending upon a type of the indicated content data objects that were contributed by the publisher. Wiser et al. ('596), discloses wherein the step of causing said initiating transfer includes determining the portion of the payment due to the respective publisher depending upon a type of the indicated content data objects that were contributed by the publisher (Column 17 line 55 –column 18 line 22; column 26, lines 40-53). Neither O'Toole, Jr. et al. nor Wiser et al. teach explicitly disclose aggregating at least some of the transformed content data objects. Beattie et al ('742), discloses aggregating at least some of the transformed content data objects (Column 31, line 26-41;

column 32, lines 22-37). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the O'Toole, Jr. et al. in view of Beattie et al (US Patent 5,659,742) with the Wiser et al. ('596) method in order to allow the merchant to offload the cost of processing billing transactions.

6. As per claims 44, 49 and 61,

O'Toole, Jr. et al. ('112) discloses the method of claim 10 receiving content data objects includes receiving content data objects that comprise at least one of: digital text data, digital audio data, digital video data, and computer program data. Column 4, lines 51-67).

7. As per claims 45,

O'Toole, Jr. et al. ('112) discloses the method of claim 10 receiving content data objects includes receiving content data objects that comprise automatically generated content data objects from an embedded computing device. (Column 6, lines 32-36).

8. As per claims 66-68,

O'Toole, Jr. et al. ('112) discloses the computing device of Claim 63.

O'Toole, Jr. et al. ('112) does not explicitly disclose means for aggregating the transformed content data objects. Beattie et al ('742), discloses means for aggregating the transformed content data objects. (Column 31, line 26-41; column 32, lines 22-37). It

would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the O'Toole, Jr. et al. in view of Wiser et al ('596) with Beattie et al ('742) method in order to allow storage of media in a standardized format

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMW

/Calvin L Hewitt II/  
Supervisory Patent Examiner, Art Unit 3685